

REMARKS

The present application includes claims 1-4, 6-19, 21-22, 74-94 and 96-167. Claims 1, 94, 121, 148 and 152 were amended. Claim 95 was cancelled. Claims 160-167 are new.

Claim 148 was amended to correct a misspelling.

Claims 1,2, 8-13 and 74-76 stand rejected under 35 U.S.C. §102(e) as being anticipated by Solem (6,179,848). Claim 1 was amended to state that the spikes are adapted to first transfix the graft and then penetrate the target vessel. Support for this amendment appears, for example, on page 18, lines 3-12, and in Figs. 2A and 2B of the original application. Contrary to the requirement of amended claim 1, the spikes 21 of Solem, first transfix the blood vessel and only then do they transfix the graft.

The dependent claims are allowable at least because claim 1 is allowable. Since claim 7 was indicated as being allowable, new claim 163 presents original claim 7 in independent form.

Claims 91 and 92 stand rejected under 35 U.S.C. §102(e) as being anticipated by Grudem et al. (US patent 6,511,491). Applicants respectfully traverse the rejection.

Claim 91 requires a kit for a bypass procedure, that includes at least one graft having anastomosis connectors mounted on two ends thereof, and at least one guide wire. While Grudem shows a graft with connectors on two ends and a guide wire, applicants did not find mention of a kit including the graft and guide wire. Such a kit reduces the preparation operations required from the physician. Applicants submit that for this reason a *prima facie* case of anticipation was not established for claims 91 and 92.

Claims 94-96 stand rejected under 35 U.S.C. §102(e) as being anticipated by Solem (6,179,848). Applicants respectfully traverse the rejection.

Claim 94 was amended to include the limitation of claim 95, and claim 95 was cancelled. Claim 94, as amended, requires retracting the spike section relative to the graft. Solem, in contrast, describes moving the locking ring 17 towards the end flange 15, which is in the blood vessel (column 4, lines 32-37). Applicants submit that for this reason a *prima facie* case of anticipation was not established for claim 95.

Claims 121, 123-125 and 127-128 stand rejected under 35 U.S.C. §102(e) as being anticipated by Solem (6,179,848).

Claim 121 was amended to require that the plurality of lock elements correspond to the aperture elements with a 1:1 correspondence. Solem, as clearly seen in Fig. 2 shows no such 1:1 correspondence.

New claims 160 and 161 present in independent form the subject matter of allowed dependent claims 122 and 126, respectively. New claim 162 presents the subject matter of old claim 121 with an amendment similar to that made with regard to claim 1. New claim 162 is patentable over Solem for the same reasons as discussed above regarding claim 1.

Claims 129-130 stand rejected under 35 U.S.C. §102(e) as being anticipated by Solem (6,179,848). Applicants respectfully traverse the rejection.

Claim 129 requires locking at least one lock element against at least one of the spikes, so as to limit movement of at least one spike relative to at least one aperture element.

In Solem, the at least one lock 22 is on the spike and does not lock against the spike, as it is part of the spike. Applicants submit that for this reason a *prima facie* case of anticipation was not established for claims 129 and 130.

Dependent claim 130 adds further patentability over Solem, as Solem does not suggest retracting the spikes in performing the locking, as is clear from the cone shape of the locking barbs 22.

Claim 142 stands rejected under 35 U.S.C. §102(e) as being anticipated by Solem (6,179,848). Applicants respectfully traverse the rejection.

Claim 142 requires locking at least one lock element by retracting at least one of the spikes. In Solem, the locking is achieved by pushing the spikes ahead and not by retracting the spikes, as is clear from the cone shape of the locking barbs 22. Applicants submit that for this reason a *prima facie* case of anticipation was not established for claim 142.

Claims 152 and 157 stand rejected under 35 U.S.C. §102(e) as being anticipated by Solem (6,179,848). Claim 152 was amended in the same way as claim 1 and is patentable over Solem for the reasons discussed above. Allowed claims 153-155 were rewritten in independent form as claims 164-166. Dependent claim 156 was duplicated as claim 167 depending from new claim 166.

In addition, applicants respectfully point out that several Information Disclosure Statements were filed on various dates, and in total included 21 pages of form 1449, as well as copies of the cited references or an indication of their location in a parent file. In an Office Action dated September 18, 2003, the Examiner returned 5 of the pages initialed while the rest of the pages were never returned to us initialed by the Examiner. Applicants are resubmitting the remaining 1449 forms (16 pages in total) and respectfully request that all the items listed thereon be initialed by the Examiner to ensure that they appear on the face of the patent issuing


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on the present application. Applicants assume that the art has already been considered by the Examiner in accordance with MPEP 609.

In view of the above remarks, applicants submit that the claims are patentable over the prior art. If the Examiner does not agree regarding one or more of the claims, but is of the opinion that a telephone conversation may forward the present application toward allowance, applicants respectfully request that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

An allowance on the merits is respectfully requested.

Respectfully submitted,
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